

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

August 21, 2014



Planning Variance PV 14-08: Laurence Marino

CASE DESCRIPTION: a request for approval of a 16.11-foot variance from the minimum 100-foot lot depth required on lots in RD-5 zoning districts in Bryan, to allow the creation of two new lots proposed to be as few as 83.89 feet in depth

LOCATION: 0.876 acres of land out of a portion of the Phillips Addition, Block 3 and a portion of the JP Mitchell's Addition, Block 62, located on the northeast side of the intersection of East 29th Street and South Hutchins Street

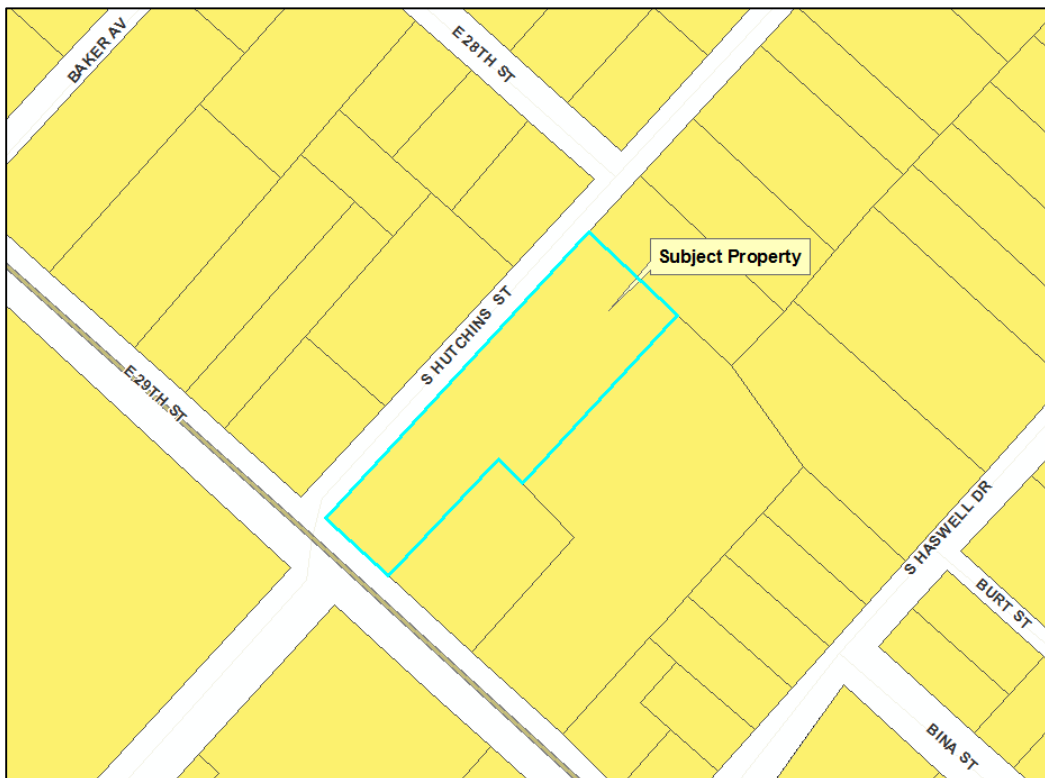
ZONING: Residential District – 5000 (RD-5)

EXISTING LAND USE: vacant acreage

APPLICANT(S): Laurence Marino

STAFF CONTACT: Maggie Dalton, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this requested variance.

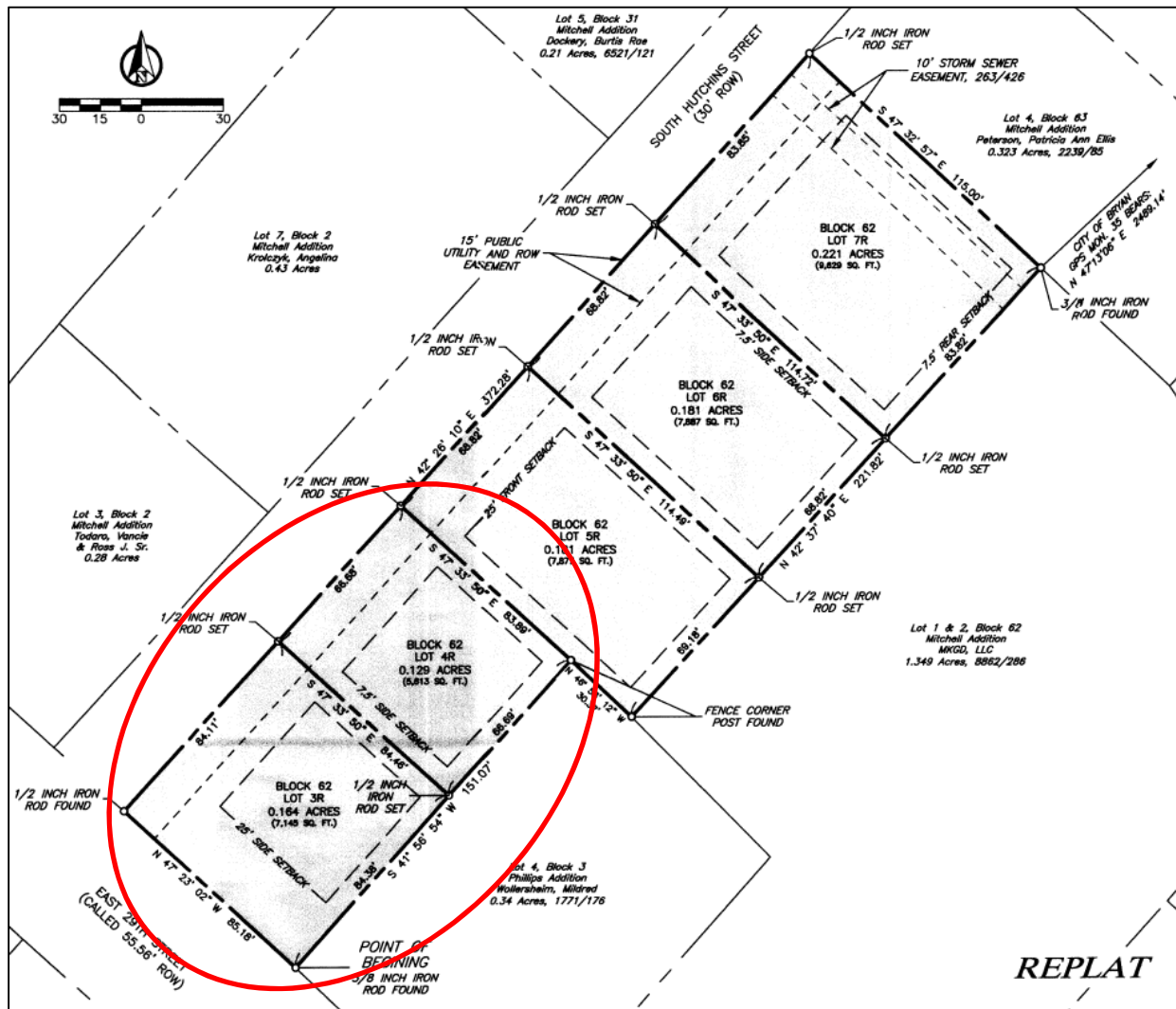




BACKGROUND:

The applicant, Laurence Marino, is requesting a variance from the minimum 100-foot lot depth that is generally required for lots zoned Residential District – 5000 (RD-5). The applicant is proposing to plat the subject property from a portion of two lots into five lots for single-family residential development. The corresponding replat to this variance request (case no. RP14-07) is also scheduled for consideration by the Planning and Zoning Commission during its August 21st, 2014 meeting. Proposed Lots 3R and 4R shown on that replat are proposed to be a minimum of 83.89 feet in depth at the narrowest point, but both lots will have a lot area of greater than the minimum required 5,000 square feet. Approval of proposed replat (RP14-07) is contingent upon prior approval of this lot depth variance request.

DETAIL OF REPLAT DRAWING:



COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this variance request:

Land Use Issues

- Infill** – Bryan has a large inventory of parcels that were bypassed by development and remain undeveloped to this day. Since these parcels almost always have access to existing utilities, their development saves the cost of extending water and sewer service. Building within the urban core also lessens the number of vehicle trips that burden our thoroughfares. Infill was also seen as a way to revitalize older residential areas and was a topic of discuss at several public input venues.

- **Housing** – the availability of housing in various markets was a concern for many citizens. The concerns were divided along two lines. The first was for affordable housing for lower income residents. Demand far outstrips supply. The clustering of this type of construction in one or two areas was also viewed as potentially detrimental. The second concern was the lack of middle-market housing. Some fear that this market has been ceded to College Station and that the lack of new construction will have a negative impact on BISD.

Use-Specific Land Use Policies

- **Low Density Residential** land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:
 - Accessible to collector and arterial streets, but directly access only local streets; and
 - Not adjacent to major arterials and freeways without adequate buffering and access management

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum lot depth standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;

Minimum lot depth requirements are intended to help ensure that all lots created for development are of sufficient size and shape to facilitate development. In this particular case, the new lots are proposed to be as few as 83.89 feet and 84.46 feet deep, respectively, and greater than 66 feet in width. However, the proposed lots do not meet the minimum 100 foot lot depth requirement. The applicant has requested a variance from the minimum lot depth for these two lots in order to plat the tract into five lots for the purpose of developing single-family residential structures. The platting of these lots will allow for new residential development consistent with surrounding development in terms of use, building height, bulk and scale, setbacks and open spaces. Staff contends that although the proposed lot only has a depth of as few as 83.89 feet, the lot's extraordinary width and overall area will mitigate the lack of depth.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

Staff believes that creation of these lots of substandard depth will still allow for reasonable single-family residential development. Approving the requested variance will allow the creation of a two new lots, which will be larger in size than the minimum required 5,000 square feet (5,613 and 7,145 square feet). Staff believes that while the new lots will be only a minimum of 83.89 feet in depth, the shallowness will be offset by the 66.68- and 84.11-foot width, respectively. If the requested configuration were to be denied, the applicant would be prevented from developing the property with the proposed five residential lot development.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Staff contends that this variance will have no detrimental effect on the public health, safety or welfare of other properties in the area.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff contends that granting this variance will not have any adverse effect on development of this or any other property in the area and that approving this variance will not prevent the orderly development of land in this vicinity. Approval of this lot depth variance will allow the creation of two lots of usable size and shape. Staff believes that if the variance were granted, the intent of the ordinance will still be observed.

RECOMMENDATION:

Staff recommends **approving** this requested variance.